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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/792,331
	Filing Date	March 3, 2004
	First Named Inventor	Bret Berry
	Art Unit	3732
	Examiner Name	Unassigned
Total Number of Pages in This Submission	Attorney Docket Number	4002-3484

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="text"/>	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard Form SB/08A International Search Report
Remarks <input type="text"/>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or individual name	Charles P. Schmal, Reg. No. 45,082 Woodard, Emhardt, Moriarty, McNett & Henry LLP
Signature	
Date	June 7, 2004

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below	
Typed or printed name	Charles P. Schmal
Signature	
Date	June 7, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
Bret Berry)
Serial No. 10/792,331) Before the Examiner
Filed March 3, 2004) Unassigned
LATERALLY EXPANDABLE)
CAGE) June 7, 2004
)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 on

June 7, 2004

(Date of Deposit)

Charles P. Schmal

Name of Registered Representative

Signature

June 7, 2004

Date of Signature

INFORMATION DISCLOSURE STATEMENT

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicant requests consideration of the references listed on attached form PTO-1449 (PTO/SB08A&B) and/or the additional information identified below in paragraph 4. A legible copy of each reference listed on form PTO-1449 is enclosed, except:

☐ a copy is not provided for each reference previously cited by or submitted to the Patent Office in prior parent application Serial No. _____ and/or

☒ a copy of each U.S. patent and/or U.S. patent application publication is not provided because the present application has been filed or entered the national stage after June 30, 2003 and the Patent Office has waived the requirements of 37 CFR 1.98 (a)(2)(i) for submitting such documents in applications filed or nationalized after June 30, 2003.

1a. ☒ This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-entitled application (other than a continued prosecution application), or

before the mailing date of the first Office Action on the merits,

and thus no certification and/or fee is required.

1b. ☐ This Information Disclosure Statement is submitted after the events of above paragraph 1a and prior to the mailing date of a final Office Action or Notice of Allowance, and thus:

(1) ☐ the certification of paragraph 2 below is provided, **or**

(2) ☐ a fee of \$_____ (set forth in 37 CFR §1.17(p)) is enclosed.

1c. ☐ This Information Disclosure Statement is submitted after the mailing date of a final Office Action or Notice of Allowance and prior to payment of the issue fee, and thus:

(1) ☐ **the certification of paragraph 2 below is provided, and
a fee of \$_____ (set forth in 37 CFR §1.17(p)) is enclosed; or**

(2) ☐ a Request for Continued Examination (RCE) has been filed.

2. It is hereby certified

a. ☐ that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement, or

b. ☐ that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

c. ☐ A copy of a dated communication from a foreign patent office which clearly shows the statement is being submitted within three (3) months of the date on the communication is enclosed.

3. ☒ A copy of a Search Report or Written Opinion from a foreign patent office is enclosed.

4. ☐ Consideration of the following additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.

5. For each non-English language reference listed on the attached form PTO-1449, reference is made to:

a. ☐ an English language translation submitted herewith,

- b. ☐ a foreign patent office search report (in the English language) submitted herewith,
- c. ☐ an English language translation of a foreign patent office search report submitted herewith,
- d. ☐ the concise explanation contained in the specification of the present application at page^s _____,
- e. ☐ the concise explanation set forth in the attached English language abstract,
- f. ☐ a copy of a related patent publication (in the English language) submitted herewith,
- g. ☐ the concise explanation set forth below:

The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56(b).

It is believed that no additional fees are required. Should any other fee be required, however, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,



Charles P. Schmal, Reg. No. 45,082
Woodard, Emhardt, Moriarty, McNett &
Henry LLP
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456

Doc. No. 285502

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Substitute for form 1449A-PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	10/792,331
				Filing Date	March 3, 2004
				First Named Inventor	Bret Berry
				Group Art Unit	3732
				Examiner Name	Unassigned
				Attorney Docket Number	4002-3484

[illegible][illegible]

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.s. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**